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7                   UNITED STATES DISTRICT COURT  
8                   WESTERN DISTRICT OF WASHINGTON  
9                   AT SEATTLE

10 DERRICK DWAYNE WEIDA,

11                   Plaintiff,

12                   v.

13 CAROLYN W. COLVIN, Acting  
14                   Commissioner of Social Security,

15                   Defendant.

16                   Case No. C13-1219-JCC-JPD

17                   REPORT AND RECOMMENDATION

18                   This matter comes before the Court *sua sponte* upon plaintiff's failure to file an  
19 opening brief or respond to two Orders to Show Cause why this case should not be dismissed  
20 for failure to prosecute. Pursuant to this Court's Scheduling Order, plaintiff's opening brief  
21 was due on or before October 21, 2013. Dkt. 15 at 1. However, the opening brief has not been  
22 filed to date.

23                   On October 24, 2013, the Court ordered plaintiff to show cause why this case should  
24 not be dismissed for failure to prosecute. Dkt. 16. When plaintiff failed to respond to this  
25 Order, the Court "grant[ed] plaintiff one final extension of time to SHOW CAUSE why this

1 case should not be dismissed . . . Failure to respond to this order will result in dismissal of this  
2 complaint." Dkt. 17 at 1-2. Plaintiff was directed to file his response, or his opening brief, by  
3 no later than Wednesday, November 27, 2013. *Id.* at 1. To date, however, plaintiff has not  
4 filed his opening brief or responded to any of the Court's Orders.

5 Accordingly, the Court recommends that this case be DISMISSED without prejudice  
6 for failure to prosecute. A proposed order accompanies this report and recommendation.  
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8 DATED this 6th day of December, 2013.

9   
10 JAMES P. DONOHUE

11 United States Magistrate Judge  
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